TRANSMITTAL FORM

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Total Number of Pages in This Submission

PTO/SB/21 (09-04) **Application Number** 09/826,583 Filing Date April 6, 2001 First Named Inventor Unger, Marc Art Unit 3753 **Examiner Name** Chambers, A. Michael Attorney Docket Number 20174C-003010US

			EN	CLOSURES (Che	ck all that apply	<i>(</i>)			
\square	Fee Trans	smittal Form		Drawing(s)			After Allowance Communication to TC		
	F	ee Attached		Licensing-related Paper	ers		Appeal Communication to Board of Appeals and Interferences		
Amendment/Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement		Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence Address Terminal Disclaimer Request for Refund		Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s) (please identify below): Exhibits 1, 2 and 3 Return Postcard					
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Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53									
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Printed	d name	Patrick M. Boucher							
Date		April 14, 2005			Reg. No.	44,03	37		

CERTIFICATE OF TRANSMISSION/MAILING

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Date

April 14, 2005

Signature

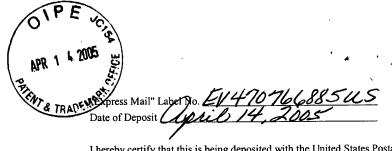
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Typed or printed name

Nina L. McNeill

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Effective on 12/08/2004. Complete if Known suant to the Consolidated Appropriations Act, 2005 (H.R. 4818). 09/826,583 Application Number TRANSMITTAL April 6, 2001 Filing Date For FY 2005 Unger, Marc First Named Inventor Chambers, A. Michael Examiner Name Applicant claims small entity status. See 37 CFR 1.27 Art Unit 3753 TOTAL AMOUNT OF PAYMENT (\$) 130Attorney Docket No. 20174C-003010US METHOD OF PAYMENT (check all that apply) None Credit Card | Money Order Other (please identify): Deposit Account Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038 **FEE CALCULATION** 1. BASIC FILING, SEARCH, AND EXAMINATION FEES **FILING FEES** SEARCH FEES **EXAMINATION FEES Small Entity Small Entity Small Entity Application Type** Fee (\$) Fee (\$) Fee (\$) Fee (\$) Fee (\$) Fee (\$) Fees Paid (\$) Utility 300 200 150 500 250 100 200 100 100 Design 50 130 65 Plant 200 100 300 150 160 80 300 300 Reissue 150 500 250 600 Provisional 200 100 0 0 2. EXCESS CLAIM FEES **Small Entity** Fee Description Fee (\$) Fee (\$) Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent 25 Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent 200 100 Multiple dependent claims 180 **Total Claims Extra Claims** Fee (\$) Fee Paid (\$) **Multiple Dependent Claims** Fee Paid (\$) -20 or HP = Fee (\$) HP = highest number of total claims paid for, if greater than 20 Indep. Claims **Extra Claims** Fee (\$) Fee Paid (\$) -3 or HP = HP = highest number of independent claims paid for, if greater than 3 3. APPLICATION SIZE FEE If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). **Extra Sheets** Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$) - 100 = / 50 = (round up to a whole number) x 4. OTHER FEE(S) Fees Paid (\$) Non-English Specification, \$130 fee (no small entity discount) Other: Petition Under 37 C.F.R. 1.181(A)(1) 130 SUBMITTED BY Registration No. Signature 44,037 Telephone 303-571-4000 (Attorney/Agent) Name (Print/Type) Patrick M. Boucher April 14, 2005



Docket No.: 20174C-003010US Client Ref. No.: CIT-3016-CIP1-CIP1

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Marc Unger et al.

Application No.: 09/826,583

Filed: April 6, 2001

For: MICROFABRICATED

ELASTOMERIC VALVE AND PUMP

SYSTEMS

Examiner:

Chambers, A. Michael

Art Unit:

3753

PETITION UNDER 37 C.F.R 1.181(A)(1)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicants hereby petition that acknowledgement of consideration of references cited in certain Information Disclosure Statements be provided by (1) returning a copy of relevant forms PTO/SB/08A and PTO/SB/08B signed by the Examiner to Applicants and (2) printing an identification of those references on the patent that issues from the captioned application.

Marc Unger et al.

Application No.: 09/826,583

Page 2

Statement of Facts

- 1. The captioned application was filed on April 6, 2001.
- 2. The first Office Action on the merits was mailed by the Office on December 16, 2002.
- 3. On November 21, 2001, i.e. before the mailing of the first Office Action, a Supplemental Information Disclosure Statement Under 37 CFR §1.97 and §1.98 was filed by first class mail. A postcard stamped by the Office acknowledging receipt on January 4, 2002 was returned. A true copy of the Supplemental Information Disclosure Statement Under 37 CFR §1.97 and §1.98 and stamped returned postcard are attached as Exhibit 1.
- 4. On December 14, 2001, i.e. before the mailing of the first Office Action, another Supplemental Information Disclosure Statement Under 37 CFR §1.97 and §1.98 was filed by first class mail. A postcard stamped by the Office acknowledging receipt on January 23, 2002 was returned. A true copy of the Supplemental Information Disclosure Statement Under 37 CFR §1.97 and §1.98 and stamped returned postcard are attached as Exhibit 2.
- 5. After a review of Applicants' file, duplicates of these Information Disclosure Statements were filed as courtesy copies on December 8, 2004 with a request that acknowledgment of their consideration be provided to Applicants. A true copy of this filing is attached as Exhibit 3.
- 6. This request was refused by the Office in a communication mailed March 25, 2005 indicating that the duplicate Information Disclosure Statements would not be considered because they were not accompanied by the certification set forth in 37 C.F.R. §1.97(e) and appropriate fee.

Marc Unger et al.

Application No.: 09/826,583

Page 3

7. A Notice of Allowance was mailed on November 18, 2004 and the Issue Fee was paid on February 22, 2005.

Request for Consideration of Information Disclosure Statements

"An information disclosure statement shall be considered by the Office if filed by the applicant ... [b]efore the mailing of a first Office action on the merits." 37 C.F.R. §1.97(b)(3). Since the Supplemental Information Disclosure Statements filed on November 21, 2001 and December 14, 2001 were filed before the mailing of a first Office Action on the merits, the Office is obliged to consider them. Evidence of proper filing and receipt by the Office of these Supplemental Information Disclosure Statements before the mailing of the first Office Action has been provided in Exhibits 1 and 2 (see ¶¶ 3 and 4 above).

It is respectfully believed that the refusal to consider these Supplemental Information Disclosure Statements as communicated by the Office on March 25, 2005 is based on an incorrect conclusion that they represented new Information Disclosure Statements rather than duplicates of previously filed Information Disclosure Statements. No certification nor fee is required since they were properly filed and received by the Office before the mailing of a first Office Action on the merits. Applicants accordingly request that acknowledgment of their consideration be returned and that the references cited therein be identified among the "references cited" on the patent that issues from the application.

The undersigned discussed the above facts with the Examiner on April 14, 2005, and agreed to submit this petition. The petition fee of \$130 under 37 C.F.R. §1.17(h) is submitted concurrently herewith, although it is believed that the fee is properly waived. Should

Marc Unger et al.

Application No.: 09/826,583

Page 4

the Office determine that any other fees are due for consideration of this petition, it is authorized to charge them to Deposit Account No. 20-1430.

Respectfully submitted,

Patrick M. Boucher Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, Eighth Floor San Francisco, California 94111-3834 Tel: (415) 576-0200 Fax: (415) 576-0300

PMB:pmb

60468681 v1

TO THE U.S. PATENT AND TRADEMARK OFFICE: Accompanying this postcard are the documents listed below. Please stamp the date of your receipt, and return this card to us as evidence of their safe and complete arrival.

1) Supplemental Information Disclosure Statement Under 37 FR \$1.97

and §1.98

2) Form PTO/SB/08A/08B

3) Return Postcard

Applicant: Unger et al.

Application No.: 09/826,583

For: MICROFABRICATED ELASTOMERIC VALVE A

SYSTEMS

Date Due:

Date of Mailing: 11/21/2001

Attorney Docket: 20174C-003010US Attorney: KJT sec. crf

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Documents:

- 1) Supplemental Information Disclosure Statement Under 37 CFR §1.97 and §1.98
- 2) Form PTO/SB/08A/08B
- 3) Return Postcard

Applicant: Unger et al., Application No.: 09/826,583 Filing Date: April 6, 2001.

For: MICROFABRICATED ELASTOMERIC VALVE AND PUMP

SYSTEMS Date Due:

Date of Mailing: 11/21/2001

Attorney: KJT sec. crf

Attorney Docket: 20174C-003010US



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(to be used for all cor	теspondence after ir	nitial filing)	Group	Art Unit	1772
			Exami	ner Name	Unassigned
Total Number of Pages	s in This Submission	1	Attorne	ey Docket Number	2017C4-003010US
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Fee Attached		☐ Drawin	g(s)		Appeal Communication to Board of Appeals and Interferences
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Client Reference No.: CIT No.: P3492

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Marc Unger et al.

Application No.: 09/826,583

Filed: April 6, 2001

For: MICROFABRICATED

ELASTOMERIC VALVE AND PUMP

SYSTEMS

Examiner:

Unassigned

Art Unit:

1772

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR

§1.97 and §1.98

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

The references cited on attached form PTO/SB/08A/08B are being called to the attention of the Examiner. In accordance with CFR §1.98(d), copies of the references can be found in Application No. 09/724,784, filed November 28, 2000 (Attorney docket No. 20174C-003000US). It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information, and no inference should be made that the information and references cited are, or are considered to be material to patentability because they are in this statement. No inference should be made that the information and references cited are prior art merely because they are in this statement.

PATENT

Unger et al.

Application No.: 09/826,583

Page 2

Applicant believes that <u>no fee is required</u> for submission of this statement, since it is being submitted prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

Kent J. Tobin Reg. No. 39,496

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8th Floor San Francisco, California 94111-3834

Tel: 650-326-2400 Fax: 650-326-2422

KJT:crf

PA 3184064 v1

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Substitut	te for form 1449A/F				Complete if Known	
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				Group Art Unit	1772	
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Sheet	1	of	2	Attorney Docket Number	20174C-003010US	

				U.S. PATENT DOCU	MENTS	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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	1	Gass et al., "Integrated flow-regulated silicon micropump," <u>Sensors and Actuators A</u> , 43335-338 (1994).								
	2	Sohn et al., "Capacitance cytometry: Measuring biological cells one by one," <u>PNAS</u> , 97(20):10687-10690 (2000).								
	3	Zengerle et al., "A Micro Membrane Pump with Electrostatic Actuation," 1992 IEEE Conf. on Micro Electro Mechanical Systems, held 2/4-7/92 in Travemunde Germany, pgs. 19-24.								
	4	Zengerle et al., "Performance Simulation of Microminiaturized Membrane Pumps," from 7th International Conference on Solid-State Sensors and Actuators held 6/7-10/93 in Yokohama Japan, pages 106-109.								

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Examiner	Date	
Signature	Considered	·

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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PA 3184066 v1

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

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1) Supplemental Information Disclosure Statement Under 137 EFR and §1.98 JAN 2 3 2002

2) Form PTO/SB/08A/08B

3) Return Postcard

Applicant: Unger et al. Application No.: 09/826,583

Fuling Date: April 6, 2001
For: MICROFABRICATED ELASTOMERIC VALVE AND PUMP

SYSTEMS

Date Dué:

Date of Mailing: 12/14/2001

Attorney: KJT sec. crf Attorney Docket: 201740

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- 2) Form PTO/SB/08A/08B
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Applicant: Unger et al. Application No.: 09/826,583

Filing Date: April 6, 2001 For: MICROFABRICATED ELASTOMERIC VALVE AND PUMP

SYSTEMS Date Due:

Date of Mailing: 12/14/2001

Attorney: KJT sec. crf

Attorney Docket: 20174C-003010US

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			Application Number 09/826,583			33
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(to be used for all corr	respondence after in	itial filing)	Group	Art Unit	1772	
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Total Number of Pages	in This Submission	1	Attorne	ey Docket Number	2017C4-0	003010US
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Client Reference No.: CIT No.: P3492

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Marc Unger et al.

Application No.: 09/826,583

Filed: April 6, 2001

For: MICROFABRICATED

ELASTOMERIC VALVE AND PUMP

SYSTEMS

Examiner:

Unassigned

Art Unit:

1772

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR

§1.97 and §1.98

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

The references cited on attached form PTO/SB/08A/08B are being called to the attention of the Examiner. In accordance with CFR §1.98(d), copies of the references can be found in Application No. 09/724,784, filed November 28, 2000 (Attorney docket No. 20174C-003000US). It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information, and no inference should be made that the information and references cited are, or are considered to be material to patentability because they are in this statement. No inference should be made that the information and references cited are prior art merely because they are in this statement.

PATENT

Unger et al.

Application No.: 09/826,583

Page 2

Applicant believes that <u>no fee is required</u> for submission of this statement, since it is being submitted prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

Kent J. Tobin Reg. No. 39,496

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8th Floor San Francisco, California 94111-3834

Tel: 650-326-2400 Fax: 650-326-2422

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			PPLICANT	First Named Inventor	Unger		
STATEMENT BY APPLICANT (use as many sheets as necessary)		Group Art Unit	1772				
	(use as many s	sheets as	necessary)	Examiner Name	Unassigned		
Sheet	1	of	2	Attorney Docket Number	20174C-003010US		

				U.S. PATENT DOCUM	MENTS	
Examiner Initials *		U.S. Pa	itent Document	Name of Patentee or Applicant	Date of Publication of	Pages, Columns, Lines,
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Substitute for form 1449B/PTO Complete if Known **Application Number** 09/826,583 INFORMATION DISCLOSURE Filing Date 04/06/01 STATEMENT BY APPLICANT **First Named Inventor** Unger 1772 Group Art Unit (use as many sheets as necessary) **Examiner Name** Unassigned 20174C-003010US Attorney Docket Number Sheet

		OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS	
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
	1	Ahn et al., "Fluid Micropumps Based on Rotary Magnetic Actuators," <u>Proceedings of 1995 IEEE Micro Electro Mechanical Systems Workshop (MEMS '95)</u> , held in Amsterdam, Netherlands on 1/29-2/2/95, pgs. 408-412 (1995).	
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	7	Vieider et al., "A Pneumatically Actuated Micro Valve with a Silicone Rubber Membrane for Integration with Fluid-Handling Systems," <u>Proceedings of Transducers '95</u> , the 8th International Conference on Solid-State Sensors and Actuators and Eurosensors IX, held in Stockholm, Sweden on 6/25-29/95, 2:284-286 (1995).	
	8	Xia et al., "Micromolding in Capillaries: Applications in Material Science," <u>J. American</u> Chemical Society, 118:5722-5731 (1996).	
	9	Yang et al., "A MEMS Thermopneumatic silicone Membrane Valve," <u>Proceedings of the IEEE 10th Annual Workshop of Micro Electro Mechanical Systems Workshop (MEMS '97)</u> , held 1/26-30/97 in Nagoya, Japan, pages 114-118 (1997).	

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¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

RECEIVED ON DATE STAMPED BELOW

US Patent Application No. 09/826,583

For: MICROFABRICATED ELASTOMERIC VALVE AND PUMP SYSTEMS

Inventor: Marc Unger Filed: April 6, 2001

Attorney Docket No.: 20174C-003010US

1. Transmittal Form

- 2. Communication to Examiner
- 3. Copy of IDS, transmittal and postcard submitted 12/14/2001
- 4. Copy of IDS, transmittal and postcard submitted 11/21/2001
- 5. Copies of nine (9) cited references from 12/14/2001 IDS

Date Mailed: December 8, 2004

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PTO/SB/21 (09-04)

TRANSMITTAL Filing Date April 6, 2001 **FORM** First Named Inventor Unger, Marc Art Unit 3753 **Examiner Name** Chambers, A. Michael (to be used for all correspondence after initial filing) Attorney Docket Number Total Number of Pages in This Submission 20174C-003010US **ENCLOSURES** (Check all that apply) After Allowance Communication to Fee Transmittal Form Drawing(s) Examiner Appeal Communication to Board Fee Attached Licensing-related Papers of Appeals and Interferences Appeal Communication to TC Amendment/Reply Petition (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final **Provisional Application** Proprietary Information Power of Attorney, Revocation Affidavits/declaration(s) Change of Correspondence Address Status Letter Other Enclosure(s) (please identify Extension of Time Request Terminal Disclaimer below): **Express Abandonment Request** -Return Postcard Request for Refund -Copy of IDS, transmittal, and postcard Information Disclosure Statement submitted 12/14/2001 CD, Number of CD(s) -Copies of nine (9) cited References from the 12/14/2001 IDS -Copy of IDS, transmittal, and postcard submitted 11/21/2001 Landscape Table on CD The Commissioner is authorized to charge any additional fees to Deposit Certified Copy of Priority Remarks Document(s) Account 20-1430. Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Townsend and Townsend and Crew LLP Signature Printed name Patrick M. Boucher Date Reg. No. 2004 44,037 Decente CERTIFICATE OF TRANSMISSION/MAILING Express Mail Label: EV 326935304 US I hereby certify that this correspondence is being deposited with the United States Postal Service with "Express Mail Post Office to Address" service under 37 CFR 1.10 on this date and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Signature Nico e Wartell Typed or printed name Date

Application Number

09/826.583

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TOWNSEND and TOWNSEND and CREW LLP

Nicole M. Warrell

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Marc Unger et al.

Application No.: 09/826,583

Filed: April 6, 2001

For: MICROFABRICATED

ELASTOMERIC VALVE AND PUMP

SYSTEMS

Examiner:

Chambers, A. Michael

Art Unit:

3753

COMMUNICATION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This communication provides courtesy copies of the Information Disclosure Statement filed on December 14, 2001. It appears from the Image File Wrapper on the U.S.P.T.O. website and file history that this IDS was never considered by the Examiner. The copy of the IDS provided is identical to that submitted on December 14, 2001. A copy of a date-stamped postcard is also enclosed to show prior receipt of the IDS by the U.S. Patent Office on January 23, 2002. Applicants also enclose herewith

copies of the cited non-patent literature references identical to those cited in the December 14, 2001 IDS for the Examiner's convenience.

Applicants would also like to make the Examiner aware of the November 21, 2001 references that have not been made of record in this application. This communication provides courtesy copies of the Information Disclosure Statement filed on November 21, 2001. The copy of the IDS provided is identical to that submitted on November 21, 2001. A copy of a date-stamped postcard is also enclosed to show prior receipt of the IDS by the U.S. Patent Office on January 4, 2002. The references cited in this particular IDS were submitted to the U.S. Patent Office by hand on January 23, 2004.

Applicants request that cited references from the Information Disclosure Statements submitted on December 14, 2001 and the non-patent literature references submitted on November 21, 2001 be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

Applicants request that Examiner Chambers consider these references and provide applicants a checked-off copy of the attached Information Disclosure Statements to show that these references have been considered pursuant to 37 CFR § 1.97.

If the Examiner has any questions regarding this submission, please call the undersigned at 303-571-4000.

Respectfully submitted,

Patrick M. Boucher Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, Eighth Floor San Francisco, California 94111-3834 Tel: (415) 576-0200

Fax: (415) 576-0300

PMB:nmb

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and §1.98

2) Form PTO/SB/08A/08B

3) Return Postcard

Applicant: Unger et al. Application No.: 09/826,583

Filing Date: April 6, 2001
For: MICROFABRICATED ELASTOMERIC VALVE AND PUMP

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SYSTEMS Date Dué:

Date of Mailing: 12/14/2001

Attorney: KJT sec. crf Attorney Docket

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2) Form PTO/SB/08A/08B

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Applicant: Unger et al. Application No.: 09/826,583 Filing Date: April 6, 2001

For: MICROFABRICATED ELASTOMERIC VALVE AND PUMP

SYSTEMS Date Dué:

Date of Mailing: 12/14/2001 Attorney: KJT sec. crf

Attorney Docket: 20174C-003010US

Please type a plus sign (+) inside this box Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid ONB control number. Application Number 09/826,583 TRANSMITTAL Filing Date 04/06/2001 FORM First Named Inventor Unger (to be used for all correspondence after initial filing) Group Art Unit 1772 **Examiner Name** Unassigned Total Number of Pages in This Submission Attorney Docket Number 2017C4-003010US ENCLOSURES (check all that apply) Fee Transmittal Form **Assignment Papers** After Allowance Communication to (for an Application) Fee Attached Drawing(s) Appeal Communication to Board of Appeals and Interferences Amendment / Response Appeal Communication to Group Licensing-related Papers (Appeal Notice, Brief, Reply Brief) Petition Routing Slip (PTO/SB/69) After Final Proprietary Information and Accompanying Petition Petition to Convert to a Affidavits/declaration(s) Provisional Application Status Letter Power of Attorney, Revocation Extension of Time Request Other Enclosure(s) Change of Correspondence Address (please identify below): Terminal Disclaimer 1) Return receipt postcard Express Abandonment Request Request for Refund Information Disclosure Statement CD, Number of CD(s) Certified Copy of Priority The Commissioner is authorized to charge any additional fees to Document(s) Remarks Deposit Account 20-1430. Total number of pages does not include cited references. Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT ATTORNEY OR ACE

Firm and	Townsend and Townsend and Crew LLP						
and Individual name	Kent J. Tobin	Reg No. 39,496					
Signature							
Date	December 14, 2001						

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December 14, 2001

December 14, 2001

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Attorney Docket No.: 20174C-003010US Client Reference No.: CIT No.: P3492

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Marc Unger et al.

Application No.: 09/826,583

Filed: April 6, 2001

For: MICROFABRICATED

ELASTOMERIC VALVE AND PUMP

SYSTEMS

Examiner:

Unassigned

Art Unit:

1772

SUPPLEMENTAL INFORMATION

DISCLOSURE STATEMENT UNDER 37 CFR

§1.97 and §1.98

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

The references cited on attached form PTO/SB/08A/08B are being called to the attention of the Examiner. In accordance with CFR §1.98(d), copies of the references can be found in Application No. 09/724,784, filed November 28, 2000 (Attorney docket No. 20174C-003000US). It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

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Application No.: 09/826,583

Page 2

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Respectfully submitted,

Kent J. Tobin Reg. No. 39,496

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8th Floor San Francisco, California 94111-3834

Tel: 650-326-2400 Fax: 650-326-2422

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		***	Application Number	09/826,583	
	INFORMATION DISCLOSURE STATEMENT BY APPLICANT		04/06/01		
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			Group Art Unit	1772	
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Sheet	1	of 2	Attorney Docket Number	20174C-003010US	

				U.S. PATENT DOCUM	MENTS	
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	Group Art Unit	1772		
(use as many sheets as necessary)	Examiner Name	Unassigned		
Sheet 2 of 2	Attorney Docket Number	20174C-003010US		

		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS	
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
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	5	Olsson et al., "Simulation Studies of Diffuser and Nozzle Elements for Valve-less Micropumps," <u>Proceedings of Transducers '97</u> , 1997 International Conference on Solid-State Sensors and Actuators, held in Chicago, Il., 6/16-19/1997, 2:1039-1042 (1997).	
	6	Shoji et al., "Smallest Dead Volume Microvalves for Integrated Chemical Analyzing Systems," <u>Proceedings of Transducers '91</u> , 1991 International Conference on Solid-State Sensors and Actuators, pages 1052-1055 (1991).	
	7	Vieider et al., "A Pneumatically Actuated Micro Valve with a Silicone Rubber Membrane for Integration with Fluid-Handling Systems," <u>Proceedings of Transducers '95</u> , the 8th International Conference on Solid-State Sensors and Actuators and Eurosensors IX, held in Stockholm, Sweden on 6/25-29/95, 2:284-286 (1995).	
	8	Xia et al., "Micromolding in Capillaries: Applications in Material Science," J. American Chemical Society, 118:5722-5731 (1996).	
	9	Yang et al., "A MEMS Thermopneumatic silicone Membrane Valve," <u>Proceedings of the IEEE 10th Annual Workshop of Micro Electro Mechanical Systems Workshop (MEMS '97)</u> , held 1/26-30/97 in Nagoya, Japan, pages 114-118 (1997).	

			
Examiner		Date	
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Filing Date: April 6, 2001

For: MICROFABRICATED ELASTOMERIC VALVE AND

SYSTEMS Date Due:

Date of Mailing: 11/21/2001

Attorney: KJT sec. crf

Attorney Docket: 20174C-003010US

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For: MICROFABRICATED ELASTOMERIC VALVE AND PUMP

SYSTEMS Date Due:

Date of Mailing: 11/21/2001 Attorney: KJT sec. crf

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Total Number of Pag	es in This Submission	1	Attorney Docket	Number :	2017C4-003010US
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Marc Unger et al.

Application No.: 09/826,583

Filed: April 6, 2001

For: MICROFABRICATED

ELASTOMERIC VALVE AND PUMP

SYSTEMS

Examiner:

Unassigned

Art Unit:

1772

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT UNDER 37 CFR

§1.97 and §1.98

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

The references cited on attached form PTO/SB/08A/08B are being called to the attention of the Examiner. In accordance with CFR §1.98(d), copies of the references can be found in Application No. 09/724,784, filed November 28, 2000 (Attorney docket No. 20174C-003000US). It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information, and no inference should be made that the information and references cited are, or are considered to be material to patentability because they are in this statement. No inference should be made that the information and references cited are prior art merely because they are in this statement.

Unger et al. Application No.: 09/826,583 Page 2

Applicant believes that <u>no fee is required</u> for submission of this statement, since it is being submitted prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted.

Kent J. Tobin Reg. No. 39,496

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8th Floor San Francisco, California 94111-3834

Tel: 650-326-2400 Fax: 650-326-2422

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STATEMENT BY APPLICANT	First Named Inventor	Unger
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	, t	Gass et al., "Integrated flow-regulated silicon micropump," Sensors and Actuators A, 43335-338 (1994).	
	. 2	Sohn et al., "Capacitance cytometry: Measuring biological cells one by one," <u>PNAS</u> , 97(20):10687-10690 (2000).	
	3	Zengerle et al., "A Micro Membrane Pump with Electrostatic Actuation," 1992 IEEE Conf. on Micro Electro Mechanical Systems, held 2/4-7/92 in Travemunde Germany, pgs. 19-24.	
	4	Zengerle et al., "Performance Simulation of Microminiaturized Membrane Pumps," from 7th International Conference on Solid-State Sensors and Actuators held 6/7-10/93 in Yokohama Japan, pages 106-109.	%

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